

REMARKS

This Amendment is submitted in response to the Examiner's Action mailed July 15, 2004, with a shortened statutory period of three months set to expire October 15, 2004. Claims 1-24 are currently pending. With this amendment, claims 1, 9, and 17 have been amended.

Applicants have amended the independent claims to describe each one of the different firmware images being capable of being executed during a power-on process to boot the entire computer system. One example of support for this amendment can be found in the specification on page 15, lines 18-28. Applicants have also amended the claims to describe the rebooting of a partition using a firmware image as taking place prior to booting an operating system in that partition. One example of support for this amendment can be found in the specification on page 1, line 16, though page 12, line 14.

The Examiner rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,690,400 issued to *Moayyad*. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

*Moayyad* describes a computer system that includes one or more cabinets. Each cabinet can include one or more partitions. A Flash Vos GUI 10 is described that allows users to tailor the system to manipulate and share partitions and cabinets. Figure 1 of *Moayyad* describes the boot view of the GUI 10. This view apparently is displayed when the computer system is booted. A user can then change or boot operating systems in the different partitions using this view of Figure 1.

Column 7, lines 33-55, describes the initiation of the GUI 10. This section of *Moayyad* describes an operating system booting. This section does not describe the execution of a firmware image that takes place prior to the execution of an operating system. Further, this section of *Moayyad* describes selecting a cabinet to boot by selecting the Boot Cabinet Button. In this manner, operating systems can be swapped in the cabinet.

Applicants claim each one of the firmware images being capable of being executed during a power-on process to boot the computer system. *Moayyad* does not describe a plurality of firmware images. *Moayyad* describes cabinets which may execute

different operating systems. *Moayyad* also describes booting the entire system first to produce the GUI 10 screen. Presumably, a firmware image is used to boot the system to produce this screen although *Moayyad* does not describe this firmware image. Nothing in *Moayyad* describes different firmware images. Nothing describes different firmware images where each image is capable of booting the entire computer system that includes the partitions. *Moayyad* does not teach booting a cabinet using a firmware image that is capable of being executed during a power-on process to boot the computer system that includes that cabinet as well as the other cabinets.

In addition, Applicants claim rebooting one of the partitions utilizing said one of the firmware images prior to booting an operating system in the partition. *Moayyad* teaches booting an operating system in a cabinet or swapping operating systems in a cabinet. This is not the same as booting a partition using a firmware image. This is not the same as rebooting a partition using a firmware image prior to booting an operating system in that partition. Although *Moayyad* does not describe it, the cabinet must have been booted using a firmware image before an operating system could be booted in the cabinet. *Moayyad* describes booting an operating system in the cabinet, not booting the cabinet using a firmware image. Presumably, the cabinets were booted using the single firmware image used to boot the GUI 10 when the GUI 10 was initiated.

*Moayyad* does not describe a plurality of different firmware images. *Moayyad* teaches a BIOS transferring or booting an operating system. Column 2, lines 14-16. This BIOS is a firmware image. "BIOS" is defined by Microsoft Computer Dictionary, Fourth Edition, published 1999 by Microsoft Press as being "an acronym for basic input/output system. On PC-compatible computers, the set of essential software routines that tests hardware at startup, starts the operating system, and supports the transfer of data among hardware devices." *Moayyad* does not describe more than one version of BIOS, or firmware. Thus, *Moayyad* does not describe, teach, or suggest a plurality of different firmware images.

Because *Moayyad* does not teach the features of Applicants' independent claims, *Moayyad* also does not teach the features of Applicants' dependent claims in combination with the features of the independent claims.

Applicants' claims 4, 12, and 20 describe a partition table. A different, unique firmware image identifier is associated with each of the firmware images. A different partition table is associated with each one of the partitions. An indicator is provided within each partition table. The indicator indicates whether its associated partition needs to be rebooted. In addition, an identifier is provided within each partition table that identifies one of the firmware images.

The Examiner states that *Moayyad* teaches a partition table in column 8, lines 7-12. This section of the reference, however, describes a "Partition" pull down menu. This pull down menu is not a partition table. Partitions can be created, deleted, formatted, copied, resized, or zipped from this menu. Nothing in *Moayyad* teaches a partition table that includes an indicator that indicates whether an associated partition needs to be rebooted or an identifier that identifies one of the firmware images.

*Moayyad* does not anticipate Applicants' claims. *Moayyad* does not describe, teach, or suggest a plurality of different firmware images, each firmware image being capable of being executed during a power-on process to boot the computer system, rebooting a partition using one of the firmware images prior to booting an operating system in the partition, a partition table, or a partition table that includes an indicator that indicates whether an associated partition needs to be rebooted and an identifier that identifies one of the firmware images.

All pending claims are believed to be in an allowable form. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 10.15.04

Respectfully submitted,

Lisa Yociss

Lisa L.B. Yociss  
Reg. No. 36,975  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 367-2001  
Attorney for Applicants